

HOUSE BILL No. 1833

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-20; IC 24-9-9; IC 36-2-7-10.

Synopsis: Mortgage and document recording fee. Adds a \$10 fee for the recording of a document or mortgage. Provides that the fee is distributed equally to the affordable housing fund and the housing trust fund.

Effective: July 1, 2005.

Austin

January 25, 2005, read first time and referred to Committee on Local Government.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1833

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-20-4-6.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 6.5. (a) On or before June 20 and December 20 of**
4 **each year, after completing an audit of the county treasurer's**
5 **monthly reports required by IC 36-2-10-16, the county auditor**
6 **shall distribute to the auditor of state five dollars (\$5) of each**
7 **supplemental fee collected under IC 36-2-7-10(b)(10).**

8 **(b) On or before June 30 and December 31 of each year the**
9 **auditor of state shall distribute all the fees set forth in subsection**
10 **(a) to the housing trust fund.**

11 SECTION 2. IC 5-20-4-7 IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2005]: **Sec. 7. (a) There is established the**
13 **housing trust fund. The fund shall be administered by the Indiana**
14 **housing finance authority under the direction of the Indiana housing**
15 **finance authority's board.**

16 **(b) The fund consists of the following resources:**

17 **(1) Appropriations from the general assembly.**



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- (2) Gifts and grants to the fund.
- (3) Investment income earned on the fund's assets.
- (4) Repayments of loans from the fund.
- (5) Funds borrowed from the board for depositories insurance fund (IC 5-13-12-7).

(6) The fees deposited under:

(A) IC 24-9-9-3; and

(B) IC 5-20-4-6.5.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) The money remaining in the fund at the end of a fiscal year does not revert to the state general fund.

(e) Interest earned on the fund may be used by the Indiana housing finance authority to pay expenses incurred in the administration of the fund.

SECTION 3. IC 5-20-5-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10.5. (a) On or before June 20 and December 20 of each year, after completing an audit of the county treasurer's monthly reports required by IC 36-2-10-16, the county auditor shall distribute to the auditor of state five dollars (\$5) of each supplemental fee collected under IC 36-2-7-10(b)(10).**

(b) On or before June 30 and December 31 of each year the auditor of state shall distribute all of the fees set forth in subsection (a) to the fund.

SECTION 4. IC 5-20-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. The fund consists of the following:

- (1) Appropriations from the general assembly.
- (2) Gifts and grants to the fund.
- (3) Investment income earned on the fund's assets.

(4) The fees deposited under:

(A) IC 24-9-9-3; and

(B) IC 5-20-5-10.5.

SECTION 5. IC 24-9-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The county recorder shall assess a fee of ~~three thirteen~~ **thirteen** dollars (~~\$3~~) (**\$13**) under IC 36-2-7-10(b)(11) for each mortgage recorded. The fee shall be paid to the county treasurer at the end of each calendar month as provided in IC 36-2-7-10(a).

SECTION 6. IC 24-9-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. On or before June 20 and

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December 20 of each year, after completing an audit of the county treasurer's monthly reports required by IC 36-2-10-16, the county auditor shall distribute to the auditor of state **the following:**

(1) Two dollars and fifty cents (\$2.50) of ~~the each~~ mortgage recording fee collected under IC 36-2-7-10(b)(11). ~~for each mortgage recorded by the county recorder.~~ The auditor of state shall deposit the money in the state general fund to be distributed as described in section 4 of this chapter.

(2) **Ten dollars (\$10) of each mortgage recording fee collected under IC 36-2-7-10(b)(11). On or before June 30 and December 31 of each year the auditor of state shall distribute:**

(B) five dollars (\$5) of each fee collected in the housing trust fund established under IC 5-20-4-7; and

(A) five dollars (\$5) of each fee collected in the Indiana affordable housing fund established under IC 5-20-5-7.

SECTION 7. IC 36-2-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

(1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 ½) inches by fourteen (14) inches.

(2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 ½) inches by fourteen (14) inches.

(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar (\$1) for each cross-reference of a recorded document.

(5) One dollar (\$1) per page not larger than eight and one-half (8 ½) inches by fourteen (14) inches for furnishing copies of records

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produced by a photographic process, and two dollars (\$2) per page that is larger than eight and one-half (8 ½) inches by fourteen (14) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-19-4-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of ~~three~~ **thirteen** dollars (~~\$3~~) (**\$13**) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document. **The fee shall be distributed as follows:**

(A) **Three dollars (\$3) is to be deposited in the recorder's records perpetuation fund under subsection (c).**

(B) **Five dollars (\$5) is to be distributed as provided in IC 5-20-4-6.5.**

(C) **Five dollars (\$5) is to be distributed as provided in IC 5-20-5-10.5.**

(11) ~~Three~~ **Thirteen** dollars (~~\$3~~) (**\$13**) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in ~~IC 24-9-9-3~~ **IC 24-9-9-3(1).**

(C) **Ten dollars (\$10) is to be distributed as provided in IC 24-9-9-3(2).**

(c) The county treasurer shall establish a recorder's records perpetuation fund. **Money shall be deposited in the fund as follows:**

(1) All revenue received under subsection (b)(5), (b)(8), (b)(9), and ~~(b)(10)~~, and

(2) **Three dollars (\$3) from revenue received under subsection**

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1 **(b)(10).**

2 **(3)** Fifty cents (\$0.50) from revenue received under subsection

3 (b)(11).

4 ~~shall be deposited in this fund.~~ The county recorder may use any
5 money in this fund without appropriation for the preservation of
6 records and the improvement of record keeping systems and
7 equipment.

8 (d) As used in this section, "record" or "recording" includes the
9 functions of recording, filing, and filing for record.

10 (e) The county recorder shall post the fees set forth in subsection (b)
11 in a prominent place within the county recorder's office where the fee
12 schedule will be readily accessible to the public.

13 (f) The county recorder may not tax or collect any fee for:

14 (1) recording an official bond of a public officer, a deputy, an
15 appointee, or an employee; or

16 (2) performing any service under any of the following:

17 (A) IC 6-1.1-22-2(c).

18 (B) IC 8-23-7.

19 (C) IC 8-23-23.

20 (D) IC 10-17-2-3.

21 (E) IC 10-17-3-2.

22 (F) IC 12-14-13.

23 (G) IC 12-14-16.

24 (g) The state and its agencies and instrumentalities are required to
25 pay the recording fees and charges that this section prescribes.

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